and because of the fact that the Recorder did not think the prosecution had sufficiently proved the identity of a glass the contents of which Prof. Witthaus had analyzed, as the glass from which Mrs. Adams took the poison that killed her. To have this identification made absolute the Recorder directed that to Mrs. Adams, and Mrs. Rogers, Mrs. Adams's daughter, who was in the flat at the time and who later turned the glass over to Detective Carey, should be recalled.

Mornish was called first at the morning ses-He swore that he saw Mrs. Adams drink out of a glass; that afterward he picked up the same glass and took a swallow of it and put it back on the table; that later the glass was pointed out to him in the china closet. On cross-examination. Cornish admitted that there were two glasses on the table that had liquid in them and that he could not swear positively one way or the other whether the glass produced in court by Prof. Witthaus was the glass, although he was very certain that it

Mr. Weeks began a question like this: "That morning when you say Mrs. Rogers knocked

jurors.
"Ten grains has caused death," said the Pro-Ten grains has caused death." said the Pro-fessor.
Q. From what you found, can you get at the amount of cyanide of mercury that Mrs. Adams must have taken? A. No, that is not possible: but she must have taken a much larger amount than the amount I found.
Q. Much larger? A. I should think she cer-tainly must have taken as much as twenty

grains.

Q. (By the Recorder) Is that a fatal dose?
A. Yes, sir.
Having finished his description of what he had done, Prof. Witthaus produced a leather case filled with little bottles, tubes and disks. The contents of these bottles and these tubes and disks were of all colors of the rainbow. Herefolore, on murder trials when expert witnesses have been on the stand, there has been a more or less grewsome display of big bottles containing portions of various organs of the victim piled upon the cierk's desk, in the presence of the accused, the jury, the judge and everybody else. Prof. Witthaus's exhibit was much more pleasing to the eye than usual. He had probably forty different vessels and each one contained a portion of the matter he had analyzed at a stage of the analysis when the production of the colors shown proved the point that he wanted to fillustrate. Prof. Witthaus, facing the jury, described the contents of each bottle and how he had made it look the way it did. After this show was over, Mr. Osborne asked him whether or not be was prepared to swear that Mrs. Adams had come to her death by mercuric eyanide poison. Prof. Witthaus said that in his opinion she did, eliminating, however, the possibility of violent death that might have occurred before the poison that he found had had a chance to complete its work. Mr. Weeks opened his cross-examination by asking. "Your answer does not preclude the possibility of her having choked to death?"
"No" said the Professor, "it does not."

Witthaus an Evasive witness. (By the Recorder) Is that a fatal dose?

WITTHAUS AN EVASIVE WITNESS.

The object of this question was to give color to the statement made at the time, that when Mrs. Adams was found by the doctor, her false strangling.

Prof. Witthaus proved to be a very evasive witness while under cross-examination by Mr. Weeks. Perhaps he didn't intend to be inevertheless it was almost impossible to get a direct answer from him. There were qualifications around everything. Mr. Weeks devoted considerable time to trying to find out just how much of the poison Harry Cornish might have taken. Cornish said that he took a swallow of the stuff and was sick for three days. The defence has intimated that he didn't take any of the poison, or if he did take some it wasn't enough to keep him sick for three days. Prof. Witthaus said there was no way of determining how much of the poison Cornish had taken, and Mr. Weeks finally asked if the Professor couldn't please tell him how much evanide of the solution that he had analyzed. Prof. Witthaus evaled the question by saying that he was unable to say what an ordinary swallow was.

The Professor had been a little more explicit. were stuck in her throat and she was

The Professor had been a little more explicit In a Projessor had been regarding the case be-in some of his testimony regarding the case be-fore the Coroner's jury. Mr. Weeks started to ask him whether he had not testified so and so, reading from the testimony taken then. The skim whether he had not testified so and so, adding from the testimony taken then. The ecorder startled everyhody in the court room ith the suddenness of his "Stop! stop! I say," it the hadt! "he went on, "of course! in his case to get in the record here as evidence after that was taken in court before a compiliting Magistrate. This is very reprehensible. I will not permit it. The only purpose becomes the record which when warrants the production of his other evidence is that of contradicting the inness. I will permit its use for that and for othing else.

vour Honor, I was just going to "tour Honor, I was just going to "to" wish to hear any auguments, sir,
ou you are doing wrong, and you know
e doing wrong. "I am trying to"—began Mr. Weeks, who wanted to tell the Recorder that he was trying to show that the testimony of Prof. Withaus befor, the Coroner was not exactly like the testimony he was giving now. "Sten! will not listen to any argument," said the Recorder, leaning forward and getting very red in the face and shaking a fin-

MOLINEUR'S GRANDMOTHER DIED OF CONfeer recess Prof. Witthaus should have non the stand again, but Mr. Osborne had other witness whom he wented to put infe-tion he had come all the way from Connecti-The Recorder acquiesced. The witness

POISONS WITTHAUS FOUND.

THINKS SAME DRUG KILLED MRS.

ADAMS AND BARNET.

Post-Mortem Analyses Showed Traces of Cyanide of Mercury in the Organs of Each To Mrs. Adams Death Came Quickly Because Poison Was Mixed With Bromo-Seitzer—A New Harnet Letter—Cornish and Mrs. Rogers Recalled—Prof. Witthaus, the chemical expert for the prosecution in the case of Roland B. Molineux. Deach of the murder of Mrs. Katherine J. Adams was on the stand nearly all day yesterday. When the case adjourned on Thursday the testimony of Prof. Witthaus had been scoped because of the fact that the Recorder was Mrs. Harriet T. Clark, the wife of George T. Clark, and the daughter of Josephine and Harry Solas, who died early in 1stone of the description of his more description if the case adjourned on Thursday the testimony of Prof. Witthaus had been scoped because of the fact that the Recorder

wife of George T. Clark, and the daughter of Josephine and Harry Solas, who died early in 1800.

Q. Have you the original death certificate of Mrs. Harriet T. Clark, the daughter of Josephine and Harry Solas, the mother of the wife of tien, Molineux and the mother of this defendant? A. I have.

"How in the world can this witness know all these things," demanded Mr. Weeks.

"Know 'em," declared Mr. Osborne, "Know 'em, of course he knows 'em; why, he's the Town Clerk of East Hartford."

It took some time to do it, but at last the death certificate which Mr. Goodwin brought with him was let in. It showed that Mrs. Harriet T. Clark had died on Dec. 30, 1845—Lat is,a year or so before young Molineux was born—and that the cause of her death was pathisis. She was 50 years old when she died. The certificate was not signed "attending physician," and Mr. Goodwin explained that it had been made out by the Registrar of East Hartford, Mr. Osborne explaining that the Registrar was also a doctor. The certificate was dated December, 1865, and the date of death was given as March 20, 1895. As Mr. Goodwin left the stand, Mr. Osborne calmly called. "Will Mr. Jackson, the undertaker, please take the stand," But at this the Recorder balked: "No," he said, "I will not permit it. I have permit ed you to call witnesses out of their order when they are from foreign States. I will not permit you to call this witness now."

Mr. Osborne tried to get in a speech on the subject, but the Recorder would not permit it and Prof. Witthaus resumed the stand.

WHY DEATH CAME SO QUICKLY.

Luror Edgar and Attention to a statement.

"I think we have gone far enough," said the Recorder.

"Well, now, Mr. Weeks said"——
"That will do," said the Recorder.
"Well, ail right," said Mr. Osborne. "But, now, Professor, are you prepared to state that the cyanogen that you found in Barnet's body did not come from the bones, horns, hoofs, or hides of animals?"

"That will do," said the Recorder.
"Oh, well," said Mr. Osborne, "was that cyanogen you found foreign to the body of Bernet?"
"It was," said Prof. Witthaus.

BARNET WAS POLSONED.

BARNET WAS POISONED.

BARNET WAS POISONED.

Mr. Osborne then put a long hypothetical question to the professor to find out if, in his opinion, Barnet had died of the cyanide of mercury poison. Prof. Witthaus said that that was his opinion.

That concluded his examination, and William J. Kinsley, the handwriting expert, who was one of the first witnesses for the prosecution weeks and weeks ago, was recalled. Mr. Osborne got him to identify three new letters signed "H.C. Barnet" as in the handwriting of Molineux. The letters were passed around to the jury, were admitted in evidence, and then the lawyers for the defence had a chance to look at them. Molineux himself examined the letters through a magnifying glass, and he grinned as he talked to Mr. Battle about them. The case will go on on Monday morning at 10:30 o'clock.

PAPER WAREHOUSE BURNED OUT.

boat and Watertower Tackled Them. Darmstadt & Scott's five-story paper warehouse at 184 Water street was burned out yesterday afternoon, and the fire was so flerce among the bales of rags and old paper on every floor the fire resisted successfully the streams from many small nozzles, and made headway from the second floor where it started until it had the whole upper part of the building in its

had the whole upper part of the building in los control.

It met more than its match, however, when the fireboat New Yorker appeared and sent ashore two of her big lines of hose to feed Watertower 1. With carapult force the water tower stream was then projected into the building where it chased out the fire and flooded the floors and left the hosemen only the minor points of danger to attack.

The roof of the building was burned off and it was more or less damaged from the second story upward, but none of the floors fell. The loss on the building was estimated at \$15,000 and on stock \$10,000.

FERRYBOAT MODEL FOR PARIS. The Nine-foot Effigy of the Hamburg Mod-

elled by Col. E. A. Stevens. The trustees of Stevens Institute have deeided to send a model of the Hoboken ferryboat Hamburg to the Paris Exposition upon request of the United States Fair Commission. The model was designed by Col. E. A. Stevens of Castle Point and cost \$1,000. It is nine feet of Castle Point and cost \$1.000. It is nine feet long. For several years it was on exhibition in the waiting room at the foot of Christopher street. When the ferry was sold by the Stevens family Mr. Stevens presented the model to the Institute. It was exhibited at the

A Coroner's jury decided yesterday that Pietro Poincia, who stabbed Francisco Siglio to death in a quarrel in a saloon at 319 East 114th streat on Jan. 5. acted in self-defence. Coroner Fitzpatrick discharged the prisoner, but he was rearrested by order of the District Attorney as soon as he got outside the courtroom and will be arraigned before a Magistrate

An Assistant Surgeon for the 13th Regiment, Col. David E. Austen of the Thirteenth Regiment in Brooklyn, has appointed Dr. James P Walasse Assistant Surgeon with the rank of Captain in place of Dr. Palonye De Forest, who has become Surgeon with the rank of Major.

To Cure La Grippe in Two Days. Take Laxative Brome Quinine Tablets. All drug-giets retund the money if it fails to cure. E. W. Grove's signature is on each box. 25c.—Adv. SUICIDE WAS A BIGAMIST. KNEW HE WAS DISCOVERED AND FEARED THE POLICE.

Fullerton-Sargent's Story Revealed at a Chance Meeting at the Morgue-He Had Deserted Two Wives, and Detectives Were Hunting Him-His Body Unclaimed

The man who killed himself with poison on Thursday at the Fastern Hotel in Whitehall street, where he had registered as E. J. Fuller of Boston, aithough he told the newsman in front of the hotel that he was Edward F. Sargent, was identified yesterday by two persons who saw his body at the Morgue as Edward F. Bargent, and as Edward F. Fullerton. The police are satisfied that Sargent, Fuller and Fullerton are one and the same man, and their accounts with him are recorded as closed by death. For, like most persons who find it expedient to change their names, he had not kept clear of the paths the police guard, although he had succeeded for more than two years in cluding arrest. His body was removed from the Eastern Hotel to the Morgue on Thursday night. Yesterday a man and a weman met at the Morgue and later the woman and another man met there, the meetings being a surprise to all three. Each of them had gone there because in life Sargent-Fuller-Fullerton had crossed their paths and each recognized him in the newspaper reports of the Eastern Hotel suicide.

John P. Lamerdin of 181 Avenue B, a lawyer. identified the suicide's body as that of Edward F. Fullerton. Mrs. Josephine Young Sargent identified it as that of her husband, Edward F. Sargent. Both went from the Morgue to Police Headquarters, where they told the stories of their acquaintance with the man who had ended his life. Mr. Lamerdin said:

"I met Edward F. Fullerton first in May. 1895. He was associated with the Zagat drug

the ciscs, although he was very certain that it will. We was began a question like this: "They pursue when you say Mrs. Rogers knocked and a superior will be the control of the stations will be the control of the stations will be the control of the stations of the stations will be the control of the stations of the s "I went to the East Twenty-second street station and told the sergeant there what I knew about Fullerton-Sargent—that he was not only a bigamist but a forger. The sergeant sent an officer to Fullerton's boarding house at 335 East Nineteenth street. That night I watched the house with detectives from the station, but Fullerton didn't appear. Next I read in to-day's papers of his suicide." Mrs. Sargent said that her husband had threatened to kill himself. He had told her that he expected a legacy in March and she conjectured that he had done away with himself in despair of being able to support her in the meantime. She had met him by introduction last May, she said, when she was a cloak model in a Broadway house, and they had been engaged for several months when they were married on Nov. 22 last, in the German church at Fifth street and Avenue B. She had known him only as Sargent. On the morning after their marriage he had told her he was obliged to go to Washington on business and advised that she go to her relatives at Middletown and heard nothing from him for so long that she came back here to search for him. She went to he friend, tirace Snyder, who lives somewhere on Long Island and whose interest in Sargent she believed was a strong one. Her friend tod her that Sargent was a nurse at the Sallors' Soug Harbor. Subsequent events led Mrs. Sargent to the conclusion that her husband received early information of her quest for him. After lovaling him Mrs. Sargent began the Yorkville Court proceedings for desertion, but secured his discharge after he was taken to court. She only wanted him back, she said.

After learning of the suicide yesterday Mrs. Sargent we t to Snug Harbor to get her husband's effects and got into the room of another nurse, where she helped herself to a valise, a purse of \$20 and an overcoat, under the impression that they were Sargent's. They belonged to Nurse X, who declined to announce his name when after missing his belongings and hearing of Mrs. Sargent by Olice Headquarters, where he fo

asperity.
Who are you?" was the ready and pertinent "Who are you?" was the ready and pertinent inquiry of the police.

"Well, they've got my clothes." oxclaimed X, unburdening himself of the chief cause of his worriment. Explanations satisfactory to all followed, and X will get his belongings. The Coroner has such property as the suicide left. It includes a bax, a coat and a watch.

Before Mrs. Sargent Jeft headquarters Chief Devery received this telegram, the contents of which were made known to her:
Find my suite. Mrs. E F Sargent, and notify me

Find my sister, Mrs. F. F. Sargent, and notify me if all right. Hold till I come.

Mrs. S. H. Szegstacken.

Middletown, N. Y., Jan. 12.

MIDDLETOWS, N. Y., Jan. 12.

Mrs. Sargent being all right there was no reason for the clerk to interest himself further in the matter.

Mrs. Sargent remembered the meeting at Coney Island described by Mr. Lamerdin. She said that Sargent was not at all worried or nervous on that occasion and that on returning to her after his talk with Mr. Lamerdin behad said. It's a breach of promise case." She thought, she said, that Sargent had never before been married.

On the record of unexecuted warrants the police made this entry in red link after the name of Frank Fullerton: "Committed suicide, Jan. 12, 1800, at the Eastern Hotel: names given: E. J. Fuller, Edward F. Sargent; identified as Edward F. Fullerton and Edward F. Sargent." The suicide's body lies at the Morgue unclaimed.

A woman about twenty-five years old, accompanied by two older women, went to the Morgue last night and inquired about Fullerton-Sargent-Fuller's body.

"Has his other wife been here yet?" the young woman asked the Morgue keeper. He explained that he had just come on duty and didn't know.

The young woman wouldn't look at the body.

explained that he had just come on duty and didn't know.
The young woman wouldn't look at the body, but the older women did. They conferred with their companion after the inspection and all started away. They wouldn't tell their names. "Don't you want to claim the body?" the Morgue keeper asked the young woman.
"No." she replied. "I'm through with him."

Church Doors In Brooklyn Must Swing

Building Commissioner Guilfoyle of the borough of Brooklyn has notified the officers of the various churches that all church doors swinging inward must either be removed or made to swing outward. The order is the re-sult of an inspection made since the recent fire in St. George's Episconal Church.

BOARD AND ACCOMMODATION AS AT HOME Is difficult to find in a large city. Such places, though, are to be found advertised in THE SUN.—Adv.

BAKING ABSOLUTELY PURE

Royal Baking Powder never disappoints; never makes sour, soggy or husky food; never spoils good materials; never leaves lumps of alkali in the biscuit or cake; always is to be depended upon.

Royal Baking Powder is indispensable to the use of the cook who makes the finest food.

Care must be taken to avoid baking powders made from alum. Such powders are sold cheap, because they cost but a few cents per pound. Not only will they spoil the cake, but alum is a corro-sive acid, which taken in food means injury to health.

ROYAL BAKING POWDER CO., 100 WILLIAM ST., NEW YORK.

TRUCKS IN FIFTH AVENUE. HEARING ON ORDINANCE TO RE-

STRICT TRAFFIC THERE. Express Companies and Truckmen Don't Seem to Like the Idea-G. Waldo Smith Vehicles - Mr. Guggenheimer's Plea.

The Council Committee on Streets and Highways gave a hearing yesterday on President Guggenheimer's proposed ordinance to keep trucks and delivery wagons off Fifth avenue from Twenty-fifth to Fifty-ninth streets between 2 o'clock P. M. and 7 o'clock P. M., and at all hours between Fifty-ninth street and 110th street. Mr. Guggenheimer made an elaborate argument in favor of his plan, in which he quoted from newspaper articles and personal letters approving it. Mr. Guggenbeimer said that there was no question of class legislation involved, but that the restriction would be of the greatest benefit to all classes of

the city's population. "I wish, gentlemen," he continued, "to contend with all earnestness against the continuance of the present system of non-regulation on Fifth avenue. The main question in the entire matter is this-that there is not room on Fifth avenue for heavy and light traffic at the same time. The overwhelming majority of the people of this city ask for nothing except the legitimate regulation of this avenue by the Police Department. The do not wish the city of New York, of which they are justly proud, to cities of America. They are aware of the fact that in Chicago there are sixty-two miles of streets absolutely restricted to the use of pleasure vehicles and pedestrians. The united press of the city of New York advocates such proposed legislation as would give us a safe and beautiful avenue. I have during the last two weeks received hundreds of letters from prominent citizens requesting me to urge upon the Municipal Assembly the necessity of passing the resolution in question. This important matter should be decided, in my opinion, by the people of New York city, and by them alone. For many years we have contended for the principle of home rule-the right of managing our own local affairs withright of managing our own local affairs without the intervention of the State Legislature. I know that we are capable of self-government and that the hunicipal Assembly, constituted as it is at the present moment, believes in the propriety of carrying out the wishes of the majority of the inhabitants of this city. Public opinion and the press, representing that public opinion, demand this change."

Mr. diuggenheimer read letters from Stern Brothers, the Rev. Howard Duffield, Theodore Freinghuysen and ex-President John Stewart of the Truckowners' Association, all indorping the proposed restriction. David W. Milliam R. Corservation of Fifth Avenue, and William R. Corwine, Secretary of the Merchants' Association, appeared to speak in behalf of the restriction. Mr. Corwine said he had been sent by President King and represented the association.

"I'd like to ask the gentleman if the association has ever held a meeting to discuss this subject," said G. Waldo Smith, President of the Wholesale Grocers' Association. "I'm a meeting. He represents himself and Mr. King."

Mr. Smith, speaking in opposition to the restriction, said that he had talked with truck drivers and car men, all of whom said that Fith avenue was the only route by which the upper East Side could be reached from the ferries without undue strain on the horses. Mr. Smith said that the other avenues, on account of their grades and the presence of surface and elevated railways, were impracticable for trucking. out the intervention of the State Legislature. I

The palaces on Fifth avenue would not be "The palaces on Fifth avenue would not be there were it not for the commercial prosperity that makes necessary the trucks which pass their doors," said Mr. Smith, "This is a commercial city. If the trucks are put off Fifth avenue, for every one who will be advantaged fifty will be disadvantaged. We can't legislate for tourists. Now I have a plan that will do away with all the trouble. Adopt an ordinance prohibiting pleasure vehicles on Fifth avenue."

L. C. Ledvard, speaking for the American Express Company, said that great injustice would be done to the merchants on the avenue if the ordinance was adopted. Of Mr. Milliken's association he said:

"This Fifth Avenue Preservation Association was organized to fight a plan for a railroad in

ESTABLISHED 1845.

\$15 A small amount—but one that has great buying power here these days: Overcoats that were \$30, \$28,

\$25 and \$20. Business Suits that were \$25. \$22, \$20 and \$18.

And every garment is the best we've ever made at its original price. Any and all can be fitted. At our New York Stope Only.

Special attention to post orders. BROADWAY, COR. 31STST.

the avenue. The plan was defeated. Now the association seems to exist for the purpose of getting \$10 annually from such residents of the avenue as are willing to give. You will notice that the only suggestions for amendment come from them. Probably the association would be very sorry if this ordinance went through, for it would have nothing else to live for."

John F. Smith, a truckman, warned the committee not to "set aside a street for four or five rien men to drive around on." He said that the city was altogether too narrow to allow such a thing.

city was altogether too narrow to allow such a thing.

"Don't you do it, gentlemen," said Mr. Smith, "not on your lives—your political lives."
Charles Steele, representing the Adams Express Company, said that there were 250 business places and 185 residences on the avenue between Twenty-fifth and Fifty-ninth streets, and that in one day sixty-three of the business men signed a petition against the ordinance. J. T. Dooling, for property owners on Madison avenue, argued that the Municipal Assembly had no power to restrict the traffic. Mr. Millishen was allowed to defend his association against Mr. Ledyard's remarks. The committee did not announce its decision.

TROUBLES OF BILLY M'GLORY. Three Arrests Because Police Can't See

Through the Windows of His Place. Frank J. Campbell, who holds the liquor tax sertificate on Billy McGlory's saloon and music hall in West Fifty-ninth street, his bartender Isaac Van Wart, and James Moore, a waiter, were taken before Magistrate Cornell yesterday, Campbell charged with violating the section of the excise law requiring the windows of barrooms to be so arranged that the police may obtain from the street a clear view of the interior, the other two with serving drinks in the place while it was improperly fitted. The windows in the McGiory place are fitted with

windows in the McGiory place are fitted with ground glass panes.

Lawyer P. A. Hargous of 280 Broadway, who appeared for Campbell, explained that the violation was due to the fact that in advising Campbell he had relied on an old copy of the excise law in which there was no mention of any such requirement. Magistrate Cornell adjourned the case until Mondry, promising that if the requirements of the law had been fulfilled by that time he would discharge the prisoners.

A motion of State Excise Commissioner Horry H. Lyman and Special Deputy Commissioner George Hilliard to revoke the liquor tax certificate issued to Campbell for the place, was made before Justice Fitzgerald of the Supreme Court yesterday. It is asserted that the certificate was granted on false statements about the number of consents procured from property owners in the neighborhood and that the certificate was granted that there were no dwellings within 200 feet of the premises. The State Commissioner asked that a referee be appointed to pass upon the sileged misrepresentations. The Court reserved decision.

ROACH CONVICTED.

Killed His Wife on Account of Jealousy-

An Unhappy Life. Jeremiah Roach of 256 Eleventh street, Hoboken, who was tried in the Court of Over and Terminer in Jersey City for the murder of his wife, was convicted yesterday afternoon of murder in the second degree. The maximum penaity is thirty years in State prison. The murder was committed on Jan. 23, 1836, Roach, was a widower, with one son now ten years old, when he married Christina Cardell, seven months prior to the murder. Their married life was very unhappy. Roach was jealous of his wife who was young and very pretty. On the afternoon of Jan. 23 Roach pursued his wife into a grocery on the corner above their home and shot her down with a revolver he had purchased that mornwith a revolver he had purchased that morn-

with a revolver he had purchased that morning.

Roach testified in his own behalf that his wife had goaded him to frenzy by her neglect and her abuse of him and his son. He purchased the revolver with the intention of committing suicide. On his way home to shoot himself he met his wife and pleaded with her. She repulsed him with vite language. The defendant said that after that everything was a blank to him. The jury was out about four hours.

EXTENDING THE THIRD RAIL,

the Bridge to Van Sicklen Avenue. motive power on the Lexington avenue and Fast New York branch of the Brooklyn Rapid Transit Company's elevated railroad system Transit Company's elevated railroad system have nearly been completed, and it is very likely that the cars will be run by electricity inside of a month. The third-rail system similar to that in use on the company's Fifth avenue line will be used. The work of laying the third rail has been hurried, and the rail already extends from Hudson and Myrtle avenues to the Van Sieklen avenue station in East New York. This is the terminal of the Lexington avenue line, but from that point on to typessa Hais Cemetery, which is the end of the Broadway elevated line, the third rail will be laid. New motor cars to operate the trains and do some minor detail work is all that is now necessary to have the Lexington avenue line in working order from the bridge to Van-Sieklen avenue. East New York.

Passate City, N. J., Jan, 12.-Jacob Raplan, a butcher of Second street, thrashed Justice of the Peace Richmond and the Rev. B. Haiperin, a rabbi, this afternoon and was I dged perin, a rabbi, this afternoon and was I dged in jail. Kaplan recently loss the contract for slaughtering lowls to be consumed by the Jews of the Dundee district and the work was taken up by Rabbi Hulperin, who came from Newark. Kaplan met his rival with Justice Richmond and Constable Dromley. It was Dromley who summoned assistance and overcame Kaplan. Justice Bowker fined Kaplan for disorderly conduct and he was committed to Jail to answer charges of assault and battery.

Smallpox Epitemie at Blackstone. Va. PETERSBURG, Vo., Jan. 12.-Smallpox has Petersburg, Vo., Jan. 12.—Smallpox has started up at Backstone, Va., on the Norfolk and Western Railroad and the town is much alarmed. Among those who have the disease is the postmaster of the place, John O. Jackson. All of the public schools have been closed and many of the students of Hore Academy and many of the young women of the Blackstone Female College left to-day for their homes. The Town Council was in session until Jo'clock this morning discussing the best plans to pursue to prevent a spread of the disease. He Has Withheld Any Mr. Pettit Will

Have a Chance to Prove It To-day. If the Hop. George H. Pettit, United States District Attorney for the Eastern District of New York, really believes that Major Richard P. Morle, Clerk of the United States District Court for the same dis-trict and a Special Commissioner of Naturalization, has unlawfully withheld for his own use fees belonging to the Government, which Major Morie has received In connection with the naturalization of aliens in Brooklyn, Mr. Pettit will have a chance to produce any proof he may have upon which to base such belief before United States District Judge Edward B. Thomas, at 10 o'clock this morning. This opportunity will be afforded to

him, because Major Morie obtained from Judge

Brown yesterday an order, returnable at 10

o'clock this morning, directing Mr. Pettit to

show cause why he should not be present when

Judge Thomas examines Major Morie's accounts for the six months ending Dec. 31, This proceeding brings to a head the strained relations which have existed between Mr. Pettit and Major Morle for several months. Just what the real cause of the ill feeling between the two men is has not been made publie. Its beginning dates back several months, and those who should be somewhat familiar with the facts say that Mr. Pettit was the first of the two to show ill feeling against the other. That's about all they will say, however, and

he had not been utterly ignorant of the law on the subject, he would have tried something else."

By designation of the court Major Morle acts as Special Commissioner of Naturalization. As such he takes depositions of would-be citizens and does much other work of a routine nature, which, were it not done by some such officer, would take up an inordinately large amount of the time of the court. The work done is very much like that done by the ordinary referee, and for doing it he charges, under the law, certain fees, which amount in each case to \$1.15. These fees are all he gets for doing the work of a Special Commissioner of Naturalization, and he outs them into his pocket up to the amount of \$3.500. That is the maximum amount in fees he may receive under the law in any one year. All in excess of that he must turn over to the Government. Nobody has asserted that he has not complied with the law relating to the excess fees.

As clierk of the United States District Court, he charges and collects the court fees prescribed by law to be paid by all applicants for naturalization. These fees, as specified by statute, amount to \$1.35 in each case and the law requires that all these fees shall be turned over to the Government. Nobody has accused Major Morle of holding out any of these court fees. The court clerks are required to render an accounting every six months to the Department of Justice of the moneys received by

them. The Special Commissioners of Naturalization are also required to make accountings. For the six months ending Dec. 31, 1866, Major Morle, as Clerk of the Court, collected in fees from all sources \$7,502.71. Deducting from this amount the expenses of his office, amounting to 2,003.90, and his own salary, \$1,750, he has a balance to turn over to the Government of \$3,145.81.

Mr. Petit makes no objection to this part of Major Morle's accounts, but he has declined to get the seal of his approval on the sum of \$4,177.95, fees collected by Major Morle as Special Commissioner. Mr. Petit insisted that this money also be turned over with the court fees. Major Morle declined to do this, pointing out that, as Special Commissioner, up to and including \$3,500. Major Morle is quite willing to turn over the difference between \$4,177.95 and \$3,500, but absolutely declines to make any accounting to the United States District Attorney, on the ground that the question of his fees is not any of the latter official's business. Major Morle says he will account to the Attorney-General as he always has, and to no one else. Judge 'Thomas seems to think that. Major Morle has the right end of the contention, judging from the following letter which he addressed to Attorney-General Griggs:

"I am constrained by the situation here to deprecate the present interference of the District Attorney, for the purpose of sweeping away the Commissioner's earnings. At the same time, I intend to respect any competent action on his rart, and, if you consider that the Clerk is, or should be amendable to him, the authority thus ascribed will be regarded."

In speaking of the practice as to naturalization fees in the Southern district of New York, Samuel H Lyman, Chief Clerk of the United States District Court, said yesterday after the order of the condition of the content of the state of the southern district of New York.

noon:
"A similar reference order to the one in effects in Brooklyn was entered in this court by Judge Addison Brown on Jan. 18, 18#8, in order to prevent too much time of the court being prevent too much time of the court being prevent too much time of the court being prevent too much time of whitenesses. By prevent too much time of the court being taken up by the examination of witnesses. By this order all applications for naturalization are referred to me as a special commissioner, just as in any other reference. The fee which I charge for each reference is \$1.

"It used to be a practice among a great many District Court clerks to retain the fees charged for naturalization papers, on the ground that the statute did not demand transferring them to the Federal Government. Congress then passed an act providing that these fees must be accounted for 1 personally have always returned these fnes."

The total of the court fees and the fees of the Special Commissioner are the same in the Southern district as in the Lustern district.

Henry W. Maxwell and J. Edward Swanstrom, whose terms as mombers of the School Board in the Borough of Brooklyn will expire Board in the Borough of Brooklyn will expire on Feb. 14, announced yesterday that they would not accept reappointments. Both have been prominent in educational affairs in Brooklyn for several years. Mr. Swanstrom serving two ferms as president, and Mr. Maxwell for a long time as chairman of the Finance Committee. Their desire to retire from the board is not due, they say, to the muddled condition of the Educational Department.

Fiynn, business agent of the Brassworkers' Union of this city, that the union had been



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plexion soap and the BEST toilet and baby soap in the world. Sold throughout the world. PATTER DEED AND CHEM. CORP., Sole Props., CUTIOVAL REMEMBER.